
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

REGAN DAWSON,

Plaintiff,

v.

EUGENE P. TALLHAMER, and
CLEARPOINT CHEMICALS, LLC,

Defendants.

Case No. CIV-20-1101-C

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on October 30, 2020, Defendant Eugene P. Tallhamer, by counsel, has filed this Notice of Removal pursuant to 28 U.S.C. § 1446(a), in the office of the Clerk of the United States District Court for the Western District of Oklahoma. Defendant, by its undersigned counsel, states as follows:

1. Plaintiff Regan Dawson brought an action against Defendant Eugene P. Tallhamer and Clearpoint Chemicals, LLC (“Clearpoint”) in the District Court of Woodward County, State of Oklahoma by filing a Petition on or about September 15, 2020. True copies of the state court docket sheet, and all processes and pleadings filed as of this date in the District Court of Woodward County, State of Oklahoma, case number CJ-2020-00070, are attached hereto as Exhibits. (**Exhibit 1:** Woodward County District Court docket sheet; **Exhibit 2:** Petition; **Exhibit 3:** Summons (Tallhamer); **Exhibit**

4: Summons (Clearpoint); **Exhibit 5:** Entry of Appearance by Gerald P. Green and Leslie L. Jones; **Exhibit 6:** Answer to Petition; **Exhibit 7:** Suggestion of Bankruptcy and Automatic Stay of Proceedings.)

2. The Summons and Petition were served on Defendant Tallhamer on or about October 5, 2020.
3. The Summons and Petition were served on Defendant Clearpoint on or about October 2, 2020.¹
4. In Plaintiff's Petition, she alleges that on or about January 31, 2019, in Woodward, Oklahoma, a vehicle owned by Clearpoint and driven by Defendant Tallhamer collided with Plaintiff's vehicle. She further alleges that Defendant Tallhamer was negligent and negligent *per se* in causing the vehicle collision and Defendant Clearpoint negligently entrusted the involved vehicle to Defendant Tallhamer.

A. AMOUNT IN CONTROVERSY

5. Plaintiffs claim damages in an amount that exceeds Seventy-Five Thousand Dollars (\$75,000.00).

B. DIVERSITY OF CITIZENSHIP

6. Upon information and belief, Plaintiff is an Oklahoma resident, domiciliary and citizen.
7. Defendant Tallhamer is a West Virginia resident, domiciliary, and citizen.

¹ Proceedings against Clearpoint Chemicals, LLC are subject to an automatic stay pursuant to the Federal U.S. Bankruptcy Code 11 § 362.

8. Defendant Clearpoint is a limited liability company organized under the laws of the state of Delaware with its principle place of business located in Alabama.
9. Defendant Clearpoint has two members, Harlan Foster and Todd Rader, both are nonparties and individuals. Mr. Foster is a resident, domiciliary, and citizen of Alabama. Mr. Rader is a resident, domiciliary and citizen of Texas. Therefore, Defendant Clearpoint is considered for diversity purposes a citizen of Alabama and Texas. As Plaintiff is a citizen of Oklahoma and Defendants are citizens of West Virginia, Alabama and Texas, there is complete diversity of citizenship among the parties.
10. Pursuant to 28 U.S.C. § 1441, Defendant Tallhamer, removes the within action to this Court in that it is a civil action between citizens of different states and the amount placed in controversy by Plaintiff's Petition exceeds the sum of \$75,000.

C. TIMELINESS

11. This Notice of Removal is made and filed within thirty (30) days of Defendant Tallhamer's Receipt, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which this action is based, as provided by 28 U.S.C. § 1446(b).

D. VENUE AND COMPLIANCE

12. This district court is a proper venue under the provisions of 28 U.S.C. § 1441(a), because this district encompasses the place where the action has been pending.
13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will promptly be filed with the Woodward County District Court Clerk's office and will be served on

Plaintiff.

14. Pursuant to 28 U.S.C. § 1446(a), attached hereto are copies of all process, pleadings and orders served upon or by Defendant Tallhamer, in this action.

WHEREFORE, Defendant Eugene P. Tallhamer, removes this action to this Court, invoking this Court's jurisdiction.

DATED: October 30, 2020.

Respectfully submitted,

/s/ Leslie L. Jones

Gerald P. Green, OBA No. 3563

Leslie L. Jones, OBA No. 33753

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Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that on the 30th day of October, 2020, a true and correct copy of the above and foregoing document was mailed, postage prepaid, to the following named counsel of record:

Blake D. Beeler
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Attorney for Plaintiff

/s/Leslie L. Jones

Leslie L. Jones